



COUNTY OF SAN BERNARDINO
POLICY

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Page 1 of 3

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BY: Beatriz Valdez, Interim Chief of Administrative Services

DEPARTMENT: PUBLIC HEALTH

APPROVED:

SUBJECT: **Privacy Guidelines**
Health Insurance Portability and Accountability Act (HIPAA)

James A. Felten, Public Health Director

I. POLICY:

All Department of Public Health (DPH) programs affected by the Health Insurance Portability and Accountability Act (HIPAA) shall ensure that Protected Health Information (PHI) shall only be accessed, used or disclosed for its intended purpose, and in accordance with general and specific uses and disclosures set forth by HIPAA.

II. PURPOSE:

This document establishes the DPH's policy with respect to the Health Insurance Portability and Accountability Act (45 CFR Parts 160 and 164). This policy specifies what and under what circumstances DPH programs affected by HIPAA may access, use or disclose an individual's PHI contained in medical records, or otherwise created, stored or held in the possession of a DPH HIPAA-covered program.

III. SCOPE:

This policy applies to all workforce members of the DPH's HIPAA-covered programs and their Business Associates.

A. DPH HIPAA-Covered Program

A DPH HIPAA-covered program is one that has been designated by DPH as being affected by HIPAA and therefore a HIPAA-covered program (See Attachment 1).

B. Workforce Member

A workforce member includes anyone whose work performance is under direct control of a HIPAA-covered program, whether or not they are paid by the program.

Workforce members may include, but are not limited to:

1. Regular Employees
2. Transferring Employees
3. Contract Employees (with and without benefits)
4. Regular or Recurrent Public Service Employees
5. Interns, Student Nurses, Volunteers, Work Experience Employees
6. Temporary Service Employees

Continued on next page

Privacy Guidelines

Health Insurance Portability and Accountability Act
(HIPAA)

POLICY

IV. TERMS:

The following terms and definitions are discussed in this policy:

A. Business Associate

A business associate of a DPH HIPAA-covered program is a person or organization who:

1. Has a written agreement with the DPH HIPAA-covered program
2. Performs an activity or service on behalf of the covered program that requires the use or disclosure of Protected Health Information (PHI).

B. Protected Health Information (PHI) (aka: Individually Identifiable Health Information)

Protected health information (PHI) refers to any information, including demographic information, whether in oral, electronic, or written form that is:

1. Created or received by a PH HIPAA-covered program and
2. Relates to the past, present, or future:
 - Physical or mental condition of the individual or
 - Payment for the provision of health care to the individual.

C. Unique identifiers

To be considered "protected" the aforementioned information also needs to be combined with a "unique identifier." A unique identifier either identifies the individual to whom the information belongs or provides a reasonable basis to believe the information can be used to identify the individual.

Unique identifiers may include, but are not limited to the following:

Name	Telephone <u>or</u> Fax #	Photographic Images	Medical Record #
Address	Cell Phone #	Vehicle or Device Serial #	Health Plan Beneficiary #
Birth Date	E-Mail	Names of Relatives	Account #
Social Security #	Finger or Voice Prints	Names of Employers	Certificate or License #

D. Use

Use refers to the internal sharing of PHI by the covered program, its workforce members or business associates. Internal sharing of PHI is information created by the covered program, used internally within the covered program, to accomplish its own purposes.

E. Disclosure

Disclosure refers to the external sharing of PHI. External sharing of PHI is sharing information to persons or organizations that are not part of the DPH HIPAA-covered program.

V. GENERAL GUIDELINES

In all instances in which there is access to, use or disclosure of Protected Health Information (PHI) by a Department of Public Health (DPH) HIPAA-covered program, the covered program shall adhere to the following guidelines.

A. Minimum Necessary

Limit the access to, use or disclosure of PHI to the minimum amount of information necessary to accomplish the intended purpose of the use or disclosure.

B. More Stringent Requirement

If the program is faced with two conflicting laws governing the use or disclosure of PHI, the program must follow the law with the “more stringent” requirement.

The law is more stringent if it:

1. Further limits the use or disclosure of PHI
2. Provides clients with a greater:
 - Amount of information or
 - Rights of access to or amendment of PHI
3. Enhances authorization and consent protections
4. Imposes greater record keeping requirements (e.g., accounting of disclosures, retention periods, etc.)

C. Emergency Use and Disclosure

PHI may be used or disclosed without a patient's acknowledgement in the event of an emergency in which prior permission is impractical or would compromise patient care.

D. Professional Judgment

In all instances, workforce members of DPH HIPAA-covered programs shall exercise good judgment and professional ethics in accessing, using or disclosing PHI.

E. Verification of Identity and Authority

DPH HIPAA-covered programs are required in all instances to verify:

1. The identity of the persons or organizations requesting PHI and
2. Their authority to receive the PHI.

Questions? Call the HIPAA Information line at (909) 387-6654 or e-mail hipaa@dph.sbcounty.gov.

Attachments:

1. List of HIPAA-covered programs

Reference

Health Insurance Portability and Accountability Act

45 Code of Federal Regulations (CFR) Parts 160 and 164

HIPAA-covered programs

The following is a list of the twenty (20) DPH programs designated as HIPAA-covered entities.

1. Administrative Services Program (AS)
2. Aging (AGE)
3. AIDS (AID)
4. California Children's Services (CCS)
5. Child and Adolescent Health (CAH)
6. Chronic Disease (CRD)
7. Epidemiology (EPI)
8. Family Support Services (FSS)
9. Fiscal and Administrative Services (FAS)
10. Immunizations (IMM)
11. Laboratory (LAB)
12. Maternal Health (MH)
13. Perinatal and Adolescent Life (PAL)
14. Primary Care (PC)
15. Public Health Field Nursing (PHN)
16. Reproductive Health (RH)
17. Research, Analysis, and Vital Statistics (RAVS)
Excluding Vital Statistics
18. School Health (SH)
19. Sexually Transmitted Disease (STD)
20. Tuberculosis Control (TB)

